

STATINTL

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Problem Areas Arising from the HSC and
SSC Investigations for Consideration at
White House Meeting on 13 October 1975

HSC

1. The most serious current problem in dealing with the Congressional investigations is the tyrannical, arbitrary and demagogic conduct of the HSC Chairman. Mr. Pike's erratic behaviour permeates to his key staff members making it very difficult to maintain civilized relationships with them. His public characterization yesterday of the "family jewels" as a compendium of "crimes" committed by CIA and as a file which he had newly uncovered is a case in point. A sanitized copy of the document has been in the hands of the HSC since 12 August. The Rockefeller Commission, the SSC and the Department of Justice received copies of the "family jewels" at an early stage in the investigations. This is another case where Mr. Pike is seeking to take political advantage from these investigations.

2. A problem of interpretation has arisen out of the 30 September "agreement" with the HSC. The HSC feels that under the agreement, almost unlimited direct access should be afforded the HSC staff to the Agency's most sensitive documents. The HSC, in taking this stand, is attempting to drastically downgrade CIA's ability to sanitize documents prior to their being passed to the Committee. It would be helpful to future conduct of the investigation if CIA's ability to sanitize documents prior to passing them to the HSC were to be once again clearly established. The complicated cross currents of interests which the HSC is showing, plus the large number of people involved plus the different locations to which the documents may be taken, once they are out of CIA control, makes this the minimum acceptable safety standard which the Agency can accept. To date, the HSC has made no determination as to the ultimate disposition of classified documents in its possession.

3. The prosecutorial environment in the HOUSE Select Committee hearings mitigates against balanced presentations. Handling of the post-mortems on intelligence inadequacies in selected crisis situations is an example. The DCI's offer to provide the committee a presentation which would offer a balanced view of successes and failures was rejected.

SSC

The investigation to date reveals two major lines of inquiry as follows:

1. A searching inquiry into the Agency's activities with a view to recommending new Legislation.

2. An exhaustive investigation into allegations of wrong-doing with the aim of publicizing as much as possible alleged wrong-doings.

The key questions in both areas are command and control. Are Agency procedures adequate to provide internal command and control? Is the authority of the President, the NSC, and the Congress adequate to provide external command and control over the intelligence community's activities? How and how much should the Congressional role be strengthened?

The Committee believes that its mandate overrides any statutory responsibility of the DCI to protect the following:

1. sensitive sources and methods
2. names of cooperating U.S. citizens
3. names of cooperating U.S. companies

Despite lengthy negotiations on procedures and specific issues, the committee staff persists in its requests for unrestricted access to raw files on numerous subjects.

The SSC is unable to accept the fact that the Third Agency rule is binding on CIA. Given their interest in command and control, they feel frustrated in their efforts to gain access to the Agency's involvement with other departments and agencies, especially the White House and the 40 committee. They consider our inability to respond as obstructionism and delay.

Despite a basic agreement on access under controlled conditions, the committee staff pressures daily to expand access by increasing the number of designated staff members.

The deadlines imposed by the staff are generally unrealistic, especially in demanding rapid declassification for open hearings.

The shot gun approach of asking for "any and all files" on broad subjects persists despite firm understandings to the contrary. The Agency continues to request that the staff refine its requests, arguing "if you'll tell us where you're going, we'll help you get there." The dilemma is that either the Agency grants unrestricted access or has to undertake extensive sanitization of files.

Staff members divide up into two categories; those who are conducting the "serious inquiry" and those who are conducting a "prosecutorial investigation." Demands from both areas impose an enormous workload; yet it is hard to believe that the staff can absorb what it has already received, especially in view of their self-imposed deadlines. Nevertheless, as they approach what they call the "final phase" of their inquiries, their requests are still broadening, and new subjects arise almost daily.

In short, they want unrestricted access to all files in the Agency when they are not able to manage what they have already have, given the time-frame they are working on. (See Horrocks article in the 10 October New York Times)

General

1. Thusfar, the investigations have pointed toward providing basis for legislation to restrict intelligence activities in questionable areas but not to provide basis for legislation concerning the organization and management of the Intelligence Community.

a. The select committees have understandably focused attention on allegations of past misconduct, but this has thusfar been at the expense of an intensive examination of the structure and functioning of the Intelligence Community.

b. There has been little indication of committee interest on means of capitalizing on the existing strengths of the U.S. intelligence organizations in order to improve future capabilities as well as to eliminate questionable activities.

2. The scope of the mandates of the select committees is not commensurate with the time limits set for completion of the investigations - which poses the risk that legislation of far-reaching significance may be proposed without sufficient consideration of the impact of such statutes on the future functioning of intelligence activities.

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3. There is lack of assurance that the committees will refrain from holding public hearings on subject areas - such as the activities of the National Security Agency - which the Intelligence Community is convinced must be treated only on a highly classified basis.

4. Markedly different viewpoints exist between the Intelligence Community and the committees- particularly the House Select Committee--as to the extent to which the protection of sensitive sources and methods justifies deletions from materials provided to the committees.

5. There is no assurance as to the ultimate disposition of classified materials provided to the committees, or of classified transcripts of committee interviews and hearings.